

AMENDED IN SENATE MARCH 29, 2007

SENATE BILL

No. 312

Introduced by Senator Kehoe

February 16, 2007

An act to ~~add Section 311.6 to~~ *amend Section 311.5 of* the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 312, as amended, Kehoe. Public Utilities Commission: access to filings.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory restrictions and constitutional requirements of due process. Existing law requires the Public Utilities Commission to provide on its Internet Web site the means by which consumers may submit informal complaints through electronic means if the dollar amount does not exceed the jurisdictional limit of a small claims court. Existing law requires the commission to determine the feasibility of submitting advice letters to the commission through electronic means, and if determined to be feasible, to propose a plan for submitting advice letters by electronic means within 6 months of the date of that determination. Existing law requires the commission to publish and maintain certain documents and information, including making available on the commission's Internet Web site, the commission's annual work plan, general orders, and Rules of Practice and Procedure, the proposed and alternate proposed decisions and resolutions, the agenda, agenda item documents, rulings of the commission, and adopted decisions and resolutions of the commission.

This bill would require the commission to make ~~the documents, filings, testimony, rulings, and decisions in all open~~ *all documents, testimony, or other materials filed with the commission in any ratesetting or quasi-legislative proceedings accessible on its Internet Web site. The bill would require the commission to implement these requirements by December 31, 2009.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is in the public interest to encourage and facilitate public
4 participation in the decisionmaking process of the Public Utilities
5 Commission.

6 (b) It is in the public interest for decisionmaking by the Public
7 Utilities Commission to be as transparent as reasonably possible.

8 (c) California law has consistently striven to foster open access
9 as indicated by the California Public Records Act (Chapter 3.5
10 commencing with Section 6250) of Division 7 of Title 1 of the
11 Government Code), the Bagley-Keene Open Meeting Act (Article
12 9 (commencing with Section 11120) of Chapter 1 of Part 1 of
13 Division 3 of Title 2 of the Government Code), and provisions
14 providing for intervenor compensation (Article 5 (commencing
15 with Section 1801) of Chapter 9 of Part 1 of Division 1 of the
16 Public Utilities Code).

17 (d) The Public Utilities Commission should make its proceedings
18 accessible to the public over the Internet, including providing
19 public access to documents, filings, testimony, rulings, and
20 decisions.

21 *SEC. 2. Section 311.5 of the Public Utilities Code is amended*
22 *to read:*

23 311.5. (a) (1) Prior to commencement of any meeting at which
24 commissioners vote on items on the public agenda the commission
25 shall make available to the public copies of the agenda, and upon
26 request, any agenda item documents that are proposed to be
27 considered by the commission for action or decision at a
28 commission meeting.

(2) In addition, the commission shall publish the agenda, agenda item documents, and adopted decisions in a manner that makes copies of them easily available to the public, including publishing those documents on the Internet. Publication of the agenda and agenda item documents shall occur on the Internet at the same time as the written agenda and agenda item documents are made available to the public.

(b) The commission shall publish and maintain the following documents on the Internet:

(1) Each of the commission's proposed and alternate proposed decisions and resolutions, until the decision or resolution is adopted and published.

(2) Each of the commission's adopted decisions and resolutions. The publication shall occur within 10 days of the adoption of each decision or resolution by the commission.

(3) All documents, testimony, or other materials filed with the commission in any ratesetting or quasi-legislative proceeding subsequent to the implementation of this paragraph. The commission shall implement the requirements of this paragraph by December 31, 2009.

~~(3)~~
(4) The then-current version of the commission's general orders and Rules of Practice and Procedure.

~~(4)~~
(5) Each of the commission's rulings. The commission shall maintain those rulings on its Internet Web site until final disposition, including disposition of any judicial appeals, of the respective proceedings in which the rulings were issued.

~~(5)~~
(6) A docket card that lists, by title and date of filing or issuance, all documents filed and all decisions or rulings issued in those proceedings. The commission shall maintain the docket card until final disposition, including disposition of any judicial appeals, of the corresponding proceedings.

~~SEC. 2.—Section 311.6 is added to the Public Utilities Code, to read:~~

1 ~~311.6.—The commission shall make the documents, filings,~~
2 ~~testimony, rulings, and decisions in all open proceedings accessible~~
3 ~~on its Internet Web site.~~

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